

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED,

Plaintiff,

v.

HOOPS ENTERPRISE LLC; and ANTHONY
KORNRUMPF,

Defendants.

No. C 10-2769 CW

ORDER GRANTING
MOTION TO FILE
UNDER SEAL
(Docket No. 139)

AND ALL RELATED CLAIMS

Defendants and Counter-claimants Hoops Enterprise LLC and Anthony Kornrumpf seek to file under seal their unredacted opposition to Plaintiff Adobe Systems Incorporated's Motion for Partial Summary Judgment, as well as Exhibits C, F, G, H, I, K and L to their Opposition. The Court notes that Defendants have filed a redacted version of their opposition in the public record. Defendants represent that the Court has previously granted leave to file Exhibit C under seal. Defendants also represent that Plaintiff has designated Exhibits F, G, H, I, K and L as confidential pursuant to the protective order in this case, and that Defendants quote these exhibits in their opposition.

Defendants' filings are connected to a dispositive motion. Because Plaintiff has designated the documents at issue as confidential, it must file a declaration establishing that the documents are sealable. Civil Local Rule 79-5(d). To do so,

1 Plaintiff "must overcome a strong presumption of access by showing
2 that 'compelling reasons supported by specific factual findings .
3 . . outweigh the general history of access and the public policies
4 favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d
5 665, 679 (9th Cir. 2010) (citation omitted). This cannot be
6 established simply by showing that the document is subject to a
7 protective order or by stating in general terms that the material
8 is considered to be confidential, but rather must be supported by
9 a sworn declaration demonstrating with particularity the need to
10 file each document under seal. Civil Local Rule 79-5(a).

11 In support of Defendants' motion, Plaintiff has filed a
12 declaration stating that the exhibits in question contain
13 "contract terms and language that is used by Adobe in its current
14 contracts with authorized distributors . . . protected by separate
15 confidentiality provisions" with these distributors, and that
16 public disclosure of these confidential terms would reveal
17 "Adobe's internal workings and trade secrets regarding a core
18 aspect of its business." Drey Decl. ¶ 3.

19 The parties have provided compelling reasons to seal
20 Defendants' unredacted opposition to Plaintiff's Motion for
21 Partial Summary Judgment, as well as Exhibits C, F, G, H, I, K and
22 L to its Opposition. Accordingly, Defendants' motion to seal is
23 GRANTED (Docket No. 139). Within four days of the date of this
24 Order, Defendants shall file these documents under seal.

25 IT IS SO ORDERED.

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27 Dated: 1/4/2012

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CLAUDIA WILKEN
United States District Judge